REMARKS

I. Introduction

Claims 14, 20, 21 and 24 have been amended. New claims 27-32 have been added. Accordingly, claims 14-32 are under consideration in the above-identified application. It is respectfully submitted that no new matter has been added.

II. Allowable subject matter

Applicant gratefully acknowledges the Examiner's indication that claims 20-23 would be allowable if rewritten in independent form. Claim 20 has been rewritten in independent form, and to correct a grammatical error. Claims 21-23 depend from claim 20. It is respectfully submitted that claims 20-23 should now be allowed.

III. Amendment of claim 21

Claim 21 was amended to correct a typographical error. Since the error was apparent by inspection, no new matter has been added, and no change in claim scope or surrender of claimed subject matter is intended.

IV. Objection to the drawing should be withdrawn

The drawing stands objected to for an informality (boxes not labeled). The drawing has been amended by adding labels to elements 10, 14, 20, 22, 24, 26 and 28. Elements 30 (multiplexer) and 16 (audio power amplifier) have not been labeled because conventional symbols were employed. Withdrawal of the objection is respectfully requested.

V. Rejection of Claims 14, 17-19, 24 and 26 (35 U.S.C. § 102(b)) should be withdrawn

Claims 14, 17-19, 24 and 26 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,524,051 to Ryan (the "Ryan Patent"). The rejections should be withdrawn for at least the following reasons.

The Ryan Patent relates to a system for receiving information encoded in a wireless

transmission medium, such as an FM subcarrier, a television signal, or a dedicated radio channel. A tuner 12 receives a signal from the antenna 11 and outputs a (typically encrypted) digital data stream on the line 14, which is fed both to a microcontroller 20 and to a conditional access circuitry 16. The microcontroller 20 stores access information, which may be extracted directly from the data stream or may be provided by the user as, for example, a master encryption key. Using this information, the microcontroller 20 controls the conditional access circuitry 16 which, for example, decrypts the incoming data stream and stores it in a memory 28 for later playback. The method thus described essentially interposes a decryption and access control mechanism (microcontroller 20 and conditional access circuitry 16) in a conventional digital radio scheme (tuner/demodulator 12, memory 28, decompressor 39, output elements 30, 36 and 38).

To anticipate a claim under § 102(b), a single prior art reference must identically disclose each and every claim element. M.P.E.P. § 2131. Claim 14 recites "an external authentication signal *transmitted from a remote location that is received from the remote location via an external transmission path that is different from a transmission path of the radio broadcast signal*" (emphasis added). Applicant submits that this limitation of claim 14 is not taught or suggested by the Ryan Patent. The Ryan Patent describes the system as follows (col.6, lines 26-58):

> In one embodiment of a decryption system, (analogous to pay-per-view cable TV encryption), decryption keys are delivered by radio transmission. * * * Each receiver unit receives a master key to decrypt the data transmission.
>
> The master key is transmitted to each unit as follows:
>
> Periodically, *the broadcast transmission of the data is interrupted* to transmit key information. The key information is a series of packets, one packet for each individual receiver unit * * *
>
> The receiver units look for these packets (which are denoted by a particular signature or occur at particular times to avoid confusion with the data). * * *
>
> In a second decryption system embodiment, a uniquely encrypted master key for each individual receiver unit is *physically delivered* to each user periodically (such as once a month). *The key is entered into each receiver unit by a keypad, or the key is embodied in an electronically readable card or device inserted into a suitable port in the receiver unit.*

(Emphasis added.) Applicant would like to draw the Examiner's attention to the italicized

text in the above quotation of the Ryan Patent. The access information (decryption key) is transmitted *on the same channel* as the ordinary data stream, *by interrupting broadcast transmission*. Alternatively, the key is entered using a keypad or a memory card (i.e., the signal decoder does not receive the key *from a remote location* -- the user and keypad or memory card is local to the decryption system).

In accordance with an example embodiment of the present invention, for example, "the signal decoder can be remotely controlled, without the necessity of additional authentication hardware to be individually provided for each customer. * * * Only the data supplier has to worry about the remote-controlled enabling of the signal decoder." See, e.g., page 2, lines 22-29.

Additionally, claim 14 recites that at least one component of the receiver *is remotely controllable* using a control signal transmittable via the external transmission path. The Examiner apparently relies on user interface 40 of the Ryan Patent as disclosing Applicant's recited component. Respectfully, Ryan does not describe that this user interface is controllable via a signal transmitted via the external path, let alone, *remotely* controllable via a signal transmitted via the external path.

For at least the foregoing reasons, Applicant submits that the Ryan Patent fails to disclose the subject matter recites in claim 14 and claims 17-19 and 26 which depend therefrom.

Claim 24 recites "decoding an encoded signal contained in encoded form in the radio broadcast signal when an external authentication signal is received *from a remote location via an external transmission path different from a transmission path of the radio broadcast signal*" (emphasis added). Additionally, claim 24 recites "*remotely controlling* at least one component of the receiver . . . using the external transmission path." The discussion above in reference to claim 14 applies equally to claim 24. Therefore, Applicant submits that the Ryan Patent fails to teach or suggest the subject matter of claim 24.

For at least the foregoing reasons, withdrawal of the rejection of claims 14, 17-19, 24 and 26 under 35 U.S.C. § 102(b) is respectfully requested.

VI. Rejection of Claims 15, 16 and 25 (35 U.S.C. § 103(a)) should be withdrawn

Claims 15, 16 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the Ryan Patent in view of U.S. Patent No. 4,567,512 to Abraham (the "Abraham Patent"). Claims 15, 16 and 25 depend from either claim 14 or claim 24. Thus, the arguments presented above in connection with claims 14 and 24 apply equally to claims 15, 16 and 25. The Abraham Patent does not cure the deficiencies of the Ryan patent.

For at least the foregoing reasons, withdrawal of the rejection of claims 15, 16 and 25 under 35 U.S.C. § 103(a) is respectfully requested.

VII. New Claims

New claims 27-32 do not add any new matter and are supported by the present application, including the specification. Claims 27-31 depend from claim 14, and are therefore allowable for at least the same reasons as claim 14. Claims 32 depends from claim 24 and is allowable for at least the same reasons as claim 24.

VIII. Conclusion

Each of the issues raised by the Examiner has been addressed. It is respectfully submitted that all pending claims are in condition for allowance. Passage to issuance is respectfully requested.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully Submitted,

KENYON & KENYON

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By: _____

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AMENDMENTS TO THE DRAWING

The attached sheet of drawings includes changes to the drawing. This sheet, which includes the drawing figure, replaces the original drawing sheet.

Attachment: One (1) Replacement Sheet